

JUDGE STEIN

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

07 CIV 4639

RICHARD DESCLAFANI,

Civ.

Plaintiff,

-against-

PAVE-MARK CORPORATION, STIMSONITE
CORPORATION, STIMSONITE CORPORATION,
as successor in interest to PAVE-MARK CORPORATION,
AVERY DENNISON CORPORATION and AVERY
DENNISON CORPORATION, as successor in interest
to STIMSONITE CORPORATION,

Defendant(s).



NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Southern District of New York, the defendants, STIMSONITE CORPORATION and AVERY DENNISON CORPORATION, by its attorneys, Connors and Connors, P.C., state the following upon information and belief:

1. That the defendants, STIMSONITE CORPORATION and AVERY DENNISON CORPORATION, hereinafter referred to as Stimsonite and Avery Dennison respectfully, are defendants in the above-entitled action.
2. That Stimsonite was incorporated in the State of Delaware and has its principal place of business in Niles, Illinois.
3. That Avery Dennison was incorporated in the State of Delaware and has its principal place of business in Pasadena, California.
4. That on May 7, 2007, Avery Dennison's corporate headquarters received a copy of the summons and complaint filed on behalf of plaintiff in the Supreme Court of New York County.
5. That at all times hereinafter mentioned, Avery Dennison's designated agent for service of process in the State of New York is C.T. Corporation.

6. That the action presently pending in the Supreme Court of the State of New York for the County of New York is as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
RICHARD DESCLAFANI,

Index No. 105655/07

Plaintiff,

-against-

PAVE-MARK CORPORATION, STIMSONITE
CORPORATION, STIMSONITE CORPORATION,
as successor in interest to PAVE-MARK CORPORATION,
AVERY DENNISON CORPORATION and AVERY
DENNISON CORPORATION, as successor in interest
to STIMSONITE CORPORATION,

Defendant(s).
-----X

7. That defendants, Stimsonite and Avery Dennison, are filing this Notice of Removal within 30 days of receipt of the summons and complaint by Avery Dennison's corporate offices.

8. That on June 1, 2007, the law firm of Connors & Connors, P.C. was retained to defend Stimsonite and Avery Dennison in this matter.

9. Upon information and belief, the plaintiff, Richard Desclafani, is a citizen of New York State.

10. Upon information and belief, putative defendant Pave-Mark Corporation no longer exists.

11. Upon information and belief, the amount in controversy in this action exceeds the sum of \$75,000 exclusive of interests and costs.


12. This is an action for damages for personal injury resulting from the alleged negligence of the defendants.

13. This Honorable Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332 and the action may therefore be removed to this Honorable Court pursuant to 28 U.S.C. §1441.

14. A copy of the Summons and Complaint received by Avery Dennison is annexed hereto.

WHEREFORE, Stimsonite and Avery Dennison prays that the above-entitled action now pending against them in the Supreme Court of the State of New York, County of New York, be removed to this Honorable Court.

Dated: Staten Island, New York
June 1, 2007



JOHN P. CONNORS, JR. (6514)
CONNORS & CONNORS, P.C.
Attorneys for **Defendants**
STIMSONITE CORPORATION and
EVERY DENNISON CORPORATION
766 Castleton Avenue
Staten Island, NY 10310
(718) 442-1700
File No. DBS 23483

TO: WINGATE, RUSSOTTI & SHAPIRO
Attorney for **Plaintiff**
420 Lexington Avenue
New York, NY 10170
Attn: William P. Hepner, Esq.
(212) 986-7353

PAVE-MARK CORPORATION
Defendant - DOES NOT EXIST

JUDGE STEIN

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

RICHARD DESCLAFANI,
Plaintiff,

-against-


PAVE-MARK CORPORATION, STIMSONITE
CORPORATION, STIMSONITE CORPORATION,
as successor in interest to PAVE-MARK CORPORATION,
AVERY DENNISON CORPORATION and AVERY
DENNISON CORPORATION, as successor in interest
to STIMSONITE CORPORATION,

Defendant(s).

SIRS:

PLEASE TAKE NOTICE, that upon the removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, a Notice of Removal, a copy of which is annexed hereto was duly filed in the Office of the Clerk of the United States District Court for the Southern District of New York on the 1st day of June, 2007.

Dated: Staten Island, New York
June 1, 2007


JOHN P. CONNORS, JR. (6514)
CONNORS & CONNORS, P.C.
Attorneys for **Defendants**
STIMSONITE CORPORATION and
AVERY DENNISON CORPORATION
766 Castleton Avenue
Staten Island, NY 10310
(718) 442-1700
File No. DBS 23483

TO: WINGATE, RUSSOTTI & SHAPIRO
Attorney for **Plaintiff**
420 Lexington Avenue
New York, NY 10170
Attn: William P. Hepner, Esq.
(212) 986-7353

PAVE-MARK CORPORATION
Defendant - DOES NOT EXIST

CERTIFICATE OF SERVICE

I, JOHN P. CONNORS, JR., hereby certify that a copy of the foregoing NOTICE OF REMOVAL was mailed by first class mail, postage prepaid, this 1st day of June, 2007, to all counsel of record as indicated below.



JOHN P. CONNORS, JR. (6514)

TO: WINGATE, RUSSOTTI & SHAPIRO
Attorney for **Plaintiff**
420 Lexington Avenue
New York, NY 10170
Attn: William P. Hepner, Esq.
(212) 986-7353

PAVE-MARK CORPORATION
Defendant - DOES NOT EXIST